

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, JUNE 1, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, June 1, 1983 in the City Hall Council Chambers.

ROLL CALL

Present: Council Members - Murphy, Snider, Pinkerton,
and Olson (Mayor)

Absent: Council Members - Reid

Also Present: City Manager Glaves, Assistant City Manager
Glenn, Community Development Director
Schroeder, Public Works Director Ronsko, City
Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Dr. Wayne Kildall, Center of Hope

PLEDGE The Pledge of Allegiance was led by Mayor Olson

PRESENTATIONS Mayor Olson presented Dr. Wayne Kildall with a Lodi "Grape" Pin and expressed appreciation to Dr. Kildall for his many hours of time, effort, and prayer for the City of Lodi.

CONSENT CALENDAR

REPORTS OF THE
CITY MANAGER

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pinkerton, Murphy second, approved the following actions hereinafter set forth.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$602,832.96

MINUTES THE MINUTES OF MAY 4, 1983 WERE APPROVED AS WRITTEN.

MATERIAL
SPECIFICATIONS
APPROVED

The following specifications were approved and the advertising for bids thereon was authorized:

A) Rock and Sand Material needed for Fiscal Year 1983-84.

B) Asphalt Material needed during first quarter of Fiscal Year 1983-84.

C) Two 225 KVA, one 500 KVA, and one 750 KVA three-phase Padmount Transformers.

AWARD-PURCHASE
OF 15-XLP CABLE

RES. NO. 83-41

Council received the following bids which had been received from the purchase of 15-KV XLP Cable (see page 2). On recommendation of City Manager Graves, Council adopted Resolution No. 83-41 awarding the bid for the purchase of the subject cable to General Electric Supply, Co., the low bidder, in the amount of \$50,051.96.

AWARD-PURCHASE OF
WOOD UTILITY
POLES

RES. NO. 83-42

Council received the following bids which had been received for the purchase of 75 (various size) wood utility poles (see page 3). On recommendation of City Manager Glaves, Council adopted Resolution No. 83-42 awarding the purchase

15-KV XLP CABLE BID EVALUATION

(UD-E83-4)

<u>Supplier</u>	<u>16,000 ft. #2 Alum. Incl. Tax</u>	<u>30,000 ft. 2/0 Alum. Incl. Tax</u>	<u>7,500 ft. 750 MCM Incl. Tax</u>	<u>Total Incl. Tax</u>	<u>Lump Sum Total Incl. Tax</u>	<u>Escalation (Maximum)</u>	<u>Delivery (Weeks)</u>	<u>Manufacturer</u>
General Electric Supply Co. Emeryville, CA	\$ 9,500.99	\$21,162.90	\$19,388.07	<u>\$50,051.96</u>	-	Firm	13-14	Phelps Dodge
Valley Electric Co. Stockton, CA	10,939.20	23,436.60	19,795.50	54,171.30	\$53,770.00	Firm	7-9	Pirelli
Westinghouse Electric Supply Co. Concord, CA	10,973.12	23,500.20	19,859.10	54,332.42	-	Firm	7-9	Pirelli
Maydwell & Hartzell, Inc. Brisbane, CA	10,243.84	23,436.60	23,174.25	56,854.69	-	3%	10-12	Hendrix
General Electric Supply Co. Emeryville, CA	12,090.44	26,553.95	20,627.00	59,271.39	-	\$.84/lb.	8-10	Kaiser
"	11,697.65	23,942.22	25,507.50	61,147.37	-	\$.85/lb.	12	Alcoa
"	11,679.67	24,913.07	52,616.70*	89,209.44	-	\$.84/lb.	8-10	Reynolds

* Based on minimum order of 20,000 ft.

WOOD UTILITY POLE BID EVALUATIONUD-E83-3

<u>Supplier</u>	(25) 50' Class 3 <u>Incl. Tax</u>	(15) 45' Class 3 <u>Incl. Tax</u>	(35) 35' Class 3 <u>Incl. Tax</u>	Total Cost <u>Incl. Tax</u>	Delivery (Weeks)
Koppers Company, Inc. West Sacramento (Alternate)	\$5,591.50	\$2,814.30	\$4,192.30	<u>\$12,598.10</u>	2-3
Koppers Company, Inc. West Sacramento, CA	5,909.50	2,989.20	4,489.10	13,387.80	2-3
J. H. Baxter and Co. San Mateo, CA	5,822.05	3,076.65	4,496.52	13,395.22	4-5
Niedermeyer-Martin Co. Portland, Oregon	5,636.29	2,914.47	5,031.50	13,582.26	4-6
McCormick and Baxter San Francisco, CA	6,360.00	3,195.90	4,823.00	14,378.90	4
North Pacific Lumber Co. Portland, Oregon	7,340.50	3,227.70	5,305.30	15,873.50	2-3
General Electric Supply Co. Emeryville, CA	7,311.35	3,298.46	5,665.17	16,274.98	4

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of 75 (various size) wood poles to Koppers Company, Inc., the low bidder, in the amount of \$12,598.10 (Alternate Bid).

AWARD-TURNER ROAD
OVERLAY 200'
W/STOCKTON STREET
TO 630' E/WINTUM
DRIVE

CC 12(6)
CC 47
CC 300

Council received the following bids which had been received for "Turner Road Overlay 200' W/Stockton Street to 630' E/Wintum Drive":

<u>BIDDER</u>	<u>AMOUNT</u>
Granite Construction Co.	\$64,954.00
Claude C. Wood Co.	\$69,492.00
Frank Ferreira Paving, Inc.	\$80,503.28
Teichert Construction	\$81,769.40

RES.NO. 83-43

On recommendation of the City Manager, Council adopted Resolution No. 83-43 awarding the contract for "Turner Road Overlay, 200' W/Stockton Street to 630' E/Wintum Drive" to Granite Construction Company in the amount of \$64,954.00 and appropriated an additional \$25,000.00 from the Transportation Development Act Fund to complete the project.

22nd
22nd
ACCEPTANCE OF
"SALAS PARK
CONCESSION STAND
CONCRETE
FLATWORK"

Council accepted the improvements in "Salas Park Concession Stand Concrete Flatwork" and directed the Public Works Director to file a Notice of Completion thereon.

This Contract was awarded to H. Max Lee of Lodi on March 16, 1983 in the amount of \$17,323.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council. The final contract price was \$17,426.95.

COUNCIL APPROVES
RENEWAL OF LANDSCAPE
MAINTENANCE
CONTRACT

Council approved and authorized the City Manager and City Clerk to execute the renewal of the Landscape Maintenance Contract with Ireland Landscape Co., Inc., for the 1983-84 Fiscal Year. The total annual cost of the contract is \$25,368.00 which reflects an increase of \$1,572.00 which provides funds to maintain three new sites; namely, Well #19, Lawrence Park and the Hutchins Street Median.

22nd
SOUTH STOCKTON
STREET RIGHT-
OF-WAY
ACQUISITIONS
APPROVED

Council was reminded that it had authorized the procurement of right-of-way for construction by CALTRANS sometime ago. The first 24 parcels have been obtained by the State at the appraisal cost. Council authorized the City Manager and City Clerk to execute any necessary documents for the right-of-way acquisition on South Stockton Street between Tokay Street and Kettleman Lane.

AGENDA ITEM
REMOVED FROM
THE AGENDA

With the tacit concurrence of the Council, Agenda item K - "Approve Development Agreement for 1438 Iris Drive" was removed from the Agenda.

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PUBLIC HEARINGS

Notices thereof having been published in accordance with law and affidavits of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider:

a) Negative Declaration and Tentative Map of Park West, an 88 acre, 515 Unit Residential Subdivision on the west side of Lower Sacramento Road, Lodi, California, as adequate environmental documentation.

b) The recommendation that the City Council amend P-D(23) Planned Development District No. 23 which is located on the west side of Lower Sacramento Road, northerly of the future extension of West Elm Street by substituting Single-Family Residential for 11.5 acres of previously approved Multiple-Family Residential.

Community Development Director Schroeder introduced the matters, presenting diagrams of the subject area and responding to questions as were posed by the Council.

Mr. Ted Katzakian, 330 South Fairmont Avenue, Lodi, California, spoke on behalf of the matter.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Councilman Pinkerton, Murphy second, Council certified the Negative Declaration and the Tentative Map of Park West, an 88 acre, 515 Unit Residential Subdivision on the west side of Lower Sacramento Road, Lodi, as adequate environmental documentation.

PARK WEST
NEGATIVE DECLARATION
AND TENTATIVE MAP
APPROVED

ORD.NO. 1287
INTRODUCED

SUBSTITUTION OF
MULTIPLE-FAMILY
RESIDENTIAL TO
SINGLE-FAMILY
RESIDENTIAL
APPROVED

Council Member Pinkerton then moved introduction of Ordinance No. 1287 - An Ordinance amending P-D(23), Planned Development District No. 23 which is located on the west side of Lower Sacramento Road, northerly of the future extension of West Elm Street by substituting single-family Residential for 11.5 acres of previously approved Multiple-Family-Residential. The motion was seconded by Council Member Murphy and carried by unanimous vote of all those Council Members present.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the appeal of Jerry Steele, P. O. Box 253, Jackson, CA 95642, of the denial of a Card Room Employee's License pursuant to City Code Section No. 7-4, et seq.

APPEAL OF JERRY
STEELE RE
ISSUANCE OF A
CARD ROOM
EMPLOYEE'S
LICENSE

The matter was introduced by City Attorney Stein. Speaking on behalf of Mr. Steele was Mr. James S. Johnson, Vocational Rehabilitation Counselor. Mr. Steele also addressed the Council on behalf of his appeal.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Following discussion, on motion of Mayor Olson, Murphy second, Council directed that the Police Department go forward with their investigation in this matter, and if no problems are encountered in the investigation process, that the requested license be issued to Mr. Steele at the earliest possible date.

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1155-27
PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of May 23, 1983:

The Planning Commission -

ITEMS OF
INTEREST

1. Conducted a Public Hearing on the Housing Element of the General Plan and continued consideration until Monday, June 13, 1983.

2. Approved the request of Cleve Beach for a Use Permit for a card room, consisting of two tables, to be located at 9 South Sacramento Street in an area zoned C-M, Commercial-Light Industrial District.

3. Determined that a Zoning Hardship existed, and approved the request of Aundrey Abbott, General Contractor on behalf of Cliff and Sherry Barnhart for a Zoning Variance to reduce the required 5 foot sideyard setback to 4 feet to allow new additions to align with an existing dwelling at 235 East Vine Street in an area zoned R-MD, Medium Density Multiple Family Residential.

4. Reviewed the request of Wayne Craig, a general partner, on behalf of Lodi Avenue Centers, a Limited Partnership, for a Zoning Variance to permit a 3-foot extension into the public right-of-way by a new canvas roof design and painting or signs directly on the mansard at 720-730 West Lodi Avenue, and 302 South Crescent Avenue in an area zoned C-1, Neighborhood.

After hearing testimony and reviewing the request, the Planning Commission determined that the proposed canvas roof design was a marquee as described in Section 27-13(h) 3(ii) of the Lodi Municipal Code which reads:

"Signs shall be placed flush and have a maximum height of two (2) feet when attached to the front of a marquee."

This determination eliminates the necessity for a Zoning Variance.

COMMUNICATIONS

1155-27
CITY CLERK

ABC LICENSES

Application for the following Alcoholic Beverage License was received:

Aldee Market
Brinlee, Alton P/Dione M.
216 North Cherokee Lane
Lodi, CA 95240
Off Sale Beer and Wine

CLAIMS

1155-27(C)

On recommendation of the City Attorney and R. L. Kautz and Company, Council, on motion of Council Member Pinkerton, Snider second, denied the following claim and referred it back to R. L. Kautz and Company:

a) Marcilla Billigmeier Date of Loss - Unknown

1155-27
CLERK DIRECTED
TO POST FOR
VACANCIES ON
VARIOUS BOARDS
AND COMMISSIONS

Following introduction of the matter by City Clerk Reimche, Council, on motion of Council Member Murphy, Snider second, authorized the posting of vacancies on various City Boards

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and Commissions pursuant to the Government Code of the State of California.

COUNCIL MEMBER
REID GRANTED
PERMISSION TO
BE ABSENT
FROM COUNCIL
MEETINGS DURING
HIS CONVALESCENCE

Following a receipt of a request from Council Member Reid, Council, on motion of Mayor Pro Tempore Snider, Murphy second, granted Council Member Reid permission pursuant to Government Code Section 36513 to be absent from regular Council meetings during his convalescence.

Mayor Olson sent greetings to Councilman Reid on behalf of the Council and Staff and wished him a speedy recovery.

LETTER RECEIVED
FROM ASSEMBLYMAN
ISENBERG

City Clerk Reimche presented the following letter which had been received from Assemblyman Phillip Isenberg regarding binding arbitration legislation:

"Thank you for your recent letter about binding arbitration legislation.

As a former city official, I am generally opposed to binding arbitration, particularly when it is forced on local government by the Legislature.

There are a number of bills dealing with this issue affecting various segments of the public workforce, and I intend to keep the foregoing in mind when any of these bills come before me for a vote.

If I can provide you any additional information, please call on me.

Best regards.

Sincerely,

Phillip Isenberg"

RURAL LANDOWNERS
ASSN. ET AL VS
LODI CITY COUNCIL
ET AL GENIE
DEVELOPMENT

City Attorney Stein apprised the Council that in the matter of the Rural Land Owners Association, et al, vs. the Lodi City Council, et al; Genie Development which matter is before the Court of Appeal of the State of California in and for the Third Appellate District that the Court has advised that because of the complexity of the issues and the need for further research and study, the order of submission is vacated and the cause resubmitted as of this date (dated 5/31/83).

COMMENTS BY
CITY COUNCIL
MEMBERS

APPOINTMENT TO
LODI ARTS
COMMISSION

Mayor Olson, with the concurrence of the Council, on motion of Council Member Pinkerton, Snider second, appointed Carol Taylor to fill the unexpired term of Gay Stewart on the Lodi Arts Commission, which term expires May 5, 1985.

DISCUSSION RE
CONCERNS RE Lodi
CABLE TELEVISION

Following introduction of the matter by Council Member Pinkerton, Council expressed various concerns regarding Lodi Cable Television such as the change of programming in the middle of a program, poor reception, etc.

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Mayor Olson apprised the Council that she had recently attended a session on Cable Television at the recent League Legislative Conference held in Sacramento.

A lengthy discussion followed with no formal action being taken by the Council.

CITY CLERK
DIRECTED TO SEND
LETTER TO GOVERNOR
RE COMPULSORY AND
BINDING
ARBITRATION

Council Member Murphy apprised the Council of a recent meeting that he, Mayor Olson, City Manager Graves, and the City Clerk had with Senator Garamendi. Following discussion, on motion of Council Member Murphy, Pinkerton second, Council directed the City Clerk to forward a letter to Governor George Deukmejian regarding the City's position on compulsory and binding arbitration.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

REPORTS OF THE
CITY MANAGER

REGULAR CALENDAR

Agenda Item K-1 - Award Bid - Kofu Tennis Court Resurfacing was introduced by City Manager Graves. Public Works Director Ronsko apprised the Council that this project includes resurfacing and repainting the five tennis courts at Kofu Park. Plans and specifications for this project were approved on April 20, 1983.

AWARD - KOFU
TENNIS COURT
RESURFACING
CONTRACT

The City has received the following 4 bids for this project:

<u>BIDDER</u>	<u>BID</u>
Sports Surfacing, Inc.	\$13,150.00
Central Striping Service	\$16,660.00
Malott & Peterson-Grundy	\$16,787.00
A & B Asphalt Sealing Co.	\$20,304.00
Engineer's Estimate	\$20,000.00

A background check was done on the contractor and the surfacing material he intends to use. No problems were found with the material or the contractor's workmanship. However, our records indicated that his contractor's license recently expired. He was unaware of this and had not received a renewal notice. Apparently he had not notified the Contractor's License Board of a change in address. "We" checked with the Board and found that this situation is not uncommon and that the contractor would be reinstated upon payment of the fees. As of this writing, the contractor has received the necessary forms and is sending us a copy of the application and his check.

It is recommended that the contract be awarded to the low bidder, Sports Surfacing, Inc. Staff will assure that the license has been reinstated prior to execution of the contract.

PES. NO. 83-44

Following discussion, on motion of Mayor Pro Tempore Snider, Pinkerton second, Council adopted Resolution No. 83-44 awarding the contract for "Kofu Park Tennis Court Resurfacing" to Sports Surfacing, Inc., in the amount of \$13,150.00.

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Council was apprised that as a part of that process, a Committee of effected personnel was appointed which included administrative personnel, department heads, and representatives of employees groups. The committee evaluated the proposals which were received from eight firms and determined there were two which would best serve the City of Lodi: Industrial Indemnity Insurance Services, Inc. and Leonard J. Russo, Inc. A Subcommittee made on-site visits to meet the persons that would be handling the actual claims, ask them questions, clarify procedures, etc. After the visit to both firms in their local offices, it became obvious that Leonard J. Russo would best serve the City of Lodi's interest.

The major factors which led to this conclusion were: familiarity with local government issues; experience of the people handling the claims; backup availability; and the workloads assigned.

The Committee is of the strong opinion that Leonard J. Russo should be selected to function as our Workers Compensation Administrator effective July 1, 1983.

AWARD - CONTRACT
FOR CONTRACT
ADMINISTRATOR FOR
WORKERS COMP

Barbara Akk was in the audience and addressed the Council regarding the matter.

RES. NO. 83-45

Following discussion, with questions being directed to Staff and Ms. Akk, Council, on motion of Council Member Murphy, Snider second, adopted Resolution No. 83-45 awarding the contract to serve as the City's Contract Administrator for Workers Compensation to Leonard J. Russo, Inc., of Sacramento.

Council was informed that because of new regulations regarding the STA claim, the Council of Governments is requesting county agencies to revise their claims to make sure that all 1982-83 STA apportionment funds are used during the year. Any unused STA money could revert to the State. These revisions will claim \$55,239.99 of unclaimed STA funds which will be used for our Dial-A-Ride system and the excess on the Turner Road overlay project - COG is handling the paperwork for these revisions.

STA & TDA 1982-83
CLAIMS AMENDED

RES. NO. 83-46

Following discussion, on motion of Council Member Pinkerton, Murphy second, Council adopted Resolution No. 83-46 authorizing the City Manager to execute the revised 1982-83 Local Transportation Fund and the State Transit Assistance (TDA) Claims.

Following introduction of the matters by City Manager Glaves, Council took the following actions:

SPECIAL
ALLOCATION
APPROVED FOR
LODI AVENUE AND
CHURCH STREET
SIGNAL
COORDINATION
STUDY AND CITY
HALL PARKING LOT
LIGHTING

a) On motion of Council Member Pinkerton, Murphy second, Council approved a Special Allocation in the amount of \$7,500.00 for Lodi Avenue and Church Street Signal Coordination Study.

b) Council, on motion of Council Member Murphy, Pinkerton second, approved a Special Allocation in the amount of \$3,800.00 for installation of the City Hall Parking Lot Lighting.

Council was apprised that each year, the City finances the budget with funds which have been labeled as Prior Years Revenues and have made no effort, except in the General Fund, to make appropriations to and from reserves.

City Attorney Stein apprised the Council that he had been asked how the City of Lodi adequately protects itself from suits resulting from injuries caused by defective materials and/or products used in Public Works Projects.

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POLICY ESTABLISHED
TO PROTECT CITY
FROM SUITS
RESULTING FROM
DEFECTIVE
MATERIALS

City Attorney Stein presented for Council's perusal, an analysis of the question which analysis determined that the City could require all general contractors doing work for the City of Lodi to maintain in addition to normal bodily injury and property damage insurance, independent contractor's insurance.

Discussion followed with questions being directed to Staff. Council, on motion of Council Member Pinkerton, Murphy second, set forth a policy whereby the City will henceforth require all general contractors doing work for the City of Lodi to maintain in addition to normal bodily injury and property damage insurance, independent contractor's insurance.

1983-84 BUDGET
PRESENTATION

Following introduction of the matter by City Manager Glaves, Council received the initial presentation of the 1983-84 City of Lodi Budget by Assistant City Manager Glenn.

As a part of that presentation, on motion of Council Member Snider, Murphy second, Council authorized an expenditure of \$2,900 for a Finance Department Reorganization Study.

ADJOURNMENT TO
CLOSED SESSION

There being no further business to come before the Council, Mayor Olson adjourned the meeting at approximately 9:50 p.m. to a Closed Session to discuss a matter of possible litigation.

Attest:

Alice M. Reinche
Alice M. Reinche
City Clerk